

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA**

CASE NO. 25-CV-22294-RAR

TOMAS LOPEZ,

Plaintiff,

v.

**THE VILLAS AT UNIVERSITY
SQUARE CONDOMINIUM
ASSOCIATION, INC., *et al.*,**

Defendants.

**UNOPPOSED MOTION FOR RELEASE OF THE AUDIO RECORDING OF THE
HEARING ON DEFENDANTS' MOTION TO DISMISS AND INCORPORATED
MEMORANDUM OF LAW**

COMES NOW, Plaintiff, Tomas Lopez, by and through undersigned counsel and pursuant to Fed. R. Civ. P. 7, and moves this Honorable Court to provide the parties with a copy of the audio of the hearing on Defendants' Motion to Dismiss Complaint, Motion to Strike Claim for Punitive Damages and Incorporated Memorandum of Law. (Doc. 30). In support thereof, Plaintiff Lopez states:

1. On Tuesday, September 2, 2025, at 2:00 P.M. a hearing was held in front of the Honorable Judge Rodolfo A. Ruiz, II on Defendants' Motion to Dismiss Complaint, Motion to Strike Claim for Punitive Damages and Incorporated Memorandum of Law (Doc. 30) in Courtroom 11-2 at the Wilkie D. Ferguson, Jr. United States Courthouse, in Miami, Florida (Doc. 43).
2. Mediation is scheduled in this case for Wednesday, September 10, 2025, beginning at 10:00 A.M (Doc. 35).

3. During the September 2 hearing, Judge Rodolfo A. Ruiz, II discussed not on only the substance of Defendants' motion but also the importance of mediation in this matter.
4. A record of the hearing will be helpful to all parties as they prepare for mediation.
5. Given the short time period between the September 2 hearing and September 10 mediation, the cost to the parties for a hearing transcript would be excessive.
6. Audio recordings of court proceeding are only available when authorized by order of the court.
7. The common law right to access judicial records is not absolute though the court has discretion to consider competing interests and permit such access. See, United States v. Shenberg, 817 F. Supp. 118, (S.D. Fla. 1993), United States v. Rosenthal, 763 F.2d 1291, (11th Cir. 1985).
8. This request for an audio recording of the September 2 hearing is made to assist the parties in their efforts at mediation and not for any improper purpose.
9. No party will be prejudiced by the provision of the audio recording from the September 2 hearing.
10. Defendants do not oppose the release of the audio recording from the September 2 hearing on their Motion to Dismiss Complaint, Motion to Strike Claim for Punitive Damages and Incorporated Memorandum of Law.

WHEREFORE, in light of Defendants' agreement, it is requested that the Court provide both parties with a copy of the audio of the hearing held on September 2, 2025.

RESPECTFULLY SUBMITTED,

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